



0 5 JAN 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Clark & Brody
1090 Vermont Ave., N.W., Suite 250
Washington, D.C. 20005

In re Application of	:	
REICHEL	:	
U.S. Application No.: 10/549,627	:	DECISION ON PETITION
International App. No.: PCT/EP04/02755	:	
Int. Filing Date: 17 March 2004	:	UNDER 37 CFR 1.181
Priority Date: 21 March 2003	:	
Atty Docket No.: 12007-0058	:	
For: HINGE	:	

This decision is in response to applicant's "Petition to Withdraw Holding of Abandonment Under 37 C.F.R. 1.181" filed 14 November 2008 in the United States Patent and Trademark Office (USPTO). No petition fee is due.

BACKGROUND

On 17 March 2004, applicant filed international application PCT/EP04/02755, which claimed priority of an earlier application filed 21 March 2003. A copy of the international application was transmitted to the USPTO from the International Bureau (IB) on 30 September 2004. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 21 September 2005.

On 20 September 2005, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1), an unsigned declaration and a first preliminary amendment.

On 12 May 2006, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International Application number and international filing date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 17 July 2006, applicant was mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) informing applicant that applicant had failed to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 12 May 2006 within the time period set therein and that above-identified application was abandoned as to the United States.

On 14 November 2008, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

An examination of the application file finds applicant's 07 July 2006 filing contained therein. It has been examined and found to be a complete response to the Form PCT/DO/EO/905 mailed 12 May 2006. Thus, it is proper to grant applicant's petition to withdraw the holding of abandonment. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied. It is noted that notwithstanding applicant's filing of 07 July 2006, the mailing of the Form PCT/DO/EO/909 on 17 July 2006 was premature as the Form PCT/DO/EO/905 mailed 12 May 2006, in addition to setting a period of two-months for responding, noted that the period for responding could be extended pursuant to 37 CFR 1.136(a).

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.181 is **GRANTED**.

The "NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909)" mailed on 17 July 2006 is hereby **VACATED**.

This application will be given an international application filing date of 17 March 2004 and a date of **07 July 2006** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.



Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459